

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JULI WINTJEN, *on behalf of herself and
others similarly situated,*

Plaintiff,

v.

DENNY'S INC.,

Defendant.

2:19-CV-00069-CCW

ORDER

For the reasons stated in the Court's Opinion filed contemporaneously herewith, IT IS HEREBY ORDERED that Plaintiff Ms. Wintjen's Motion for Summary Judgment is GRANTED IN PART and DENIED IN PART as follows:

1. Summary Judgment in favor of Ms. Wintjen and the class members is GRANTED with respect to their tip credit notice claim under the PMWA;
2. Summary Judgment in favor of the Notice List Employees¹ is DENIED with respect to their tip credit notice claim under the FLSA;
3. Summary Judgment in favor of Ms. Wintjen and the collective action members is GRANTED with respect to their tip credit notice claim under the FLSA and DENIED with respect to the issues of willfulness and liquidated damages.

IT IS FURTHER ORDERED that Defendant Denny's Inc.'s Motion for Summary Judgment is DENIED.

¹ Patricia Keller, Rosemary Clark, Susanna Kibler, Sherry Chess, Teresa Stoudt, Gretchen Schumann (née Cochran), Sarah Gower, Kristen Burns (née Margie), Brent Rodgers, and April Howard.

IT IS SO ORDERED.

DATED this 22nd day of February, 2024.

BY THE COURT:

/s/ Christy Criswell Wiegand
CHRISTY CRISWELL WIEGAND
United States District Judge

cc (via ECF email notification):

All Counsel of Record